

REVISED TRAINING PLAN
for the
DIWAN AL-FATWA WA AL-TASHRI'E
MINISTRY OF JUSTICE

Based on:

Training Needs Assessment, August 15, 1997
Prepared by Fehmy Saddy, Ph D
International Law Institute

And

Recommendations for Additional Training, August 1, 1998
Prepared by K. Scott Hubli
Checchi and Company Consulting, Inc.

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I. INTRODUCTION

Operating under a Checchi/PaL-Tech subcontract, the International Law Institute prepared the *Training Needs Assessment Report*¹ for the Diwan al-Fatwa wa al-Tashri'e (Diwan) (August 15, 1997). This Report contained recommendations for a training plan that was accepted by USAID and the Diwan in September 1997. The principal findings and recommendations of that Report remain valid, and this Revised Training Plan amends only Chapter V, "Training Plan" and Appendix 3, "Course Outlines," of the Report.

Nearly a year after the preparation of the *Training Needs Assessment Report*, a Checchi/PaL-Tech consultant conducted a new training needs assessment and prepared *Recommendations for Additional Training* (August 1, 1998). The former document sets out training that is broad and often general in nature, whereas the latter is very task-specific. Recognizing the greater currency of the *Recommendations for Additional Training*² written by the same consultant who prepared the Diwan's *Legislative Drafting Manual* and who has made several visits to coach in the use of the Manual, Checchi/PaL-Tech proposes to modify the original training plan to incorporate the newer, task-specific ideas for additional training. While there is some overlap in courses recommended in the two documents, there is much new material recommended training. Faced with budget limitations, Checchi/PaL-Tech has eliminated some of the less central subjects contained in the original training plan. The result is this Revised Training Plan.

II. OBJECTIVES

A. USAID

The objective of training under this Deliverable is stated in the Request for Proposals (RFP). Result 1 defines this objective as follows: "Draft legislation of the Executive Authority complies with legal norms and quality standards before it is presented to the Palestinian Legislative Council for review."

The function of the Diwan is defined in the RFP as follows:

This unit will review all draft legislation to ensure consistency with and non-duplication of existing legislation. The [Diwan] will not focus on the substantive content of the proposed legislation or its consistency with overall Executive Authority policy; rather, it will focus on a review of the legislation's format, linguistic style and references to ensure that they are correct and in keeping with general standards for draft legislation.

B. Palestinian Authority

The objectives of the Palestinian Authority are manifested in the functional responsibilities delegated to the Diwan within the current bureaucratic structure. Law No. 4 of 1995 "Regarding

¹ *Training Needs Assessment Report* Dr. Fehmy Saddy, International Law Institute, August 1987.

² *Recommendations for Additional Training*, K. Scott Hubli, Checchi/PaL-Tech, August 1998.

Procedures for Drafting Legislation” makes the Diwan the focal point in the legislative process. According to this law, ministries must submit to the Diwan all proposed legislation. The Diwan studies the proposed legislation and modifies it, without changing its essence and objectives, and consults with line ministries or other concerned parties and coordinates with them to achieve the desired objectives of the legislation.

III. RATIONALE

This Revised Training Plan is intended to provide the Diwan staff with the skills necessary to produce a fully functioning legislative unit. It has two objectives, one immediate and another intermediate. The immediate objective is to equip the staff with the necessary tools to meet the demand for draft legislation. The intermediate objective is to broaden the staff’s understanding of the substantive issues they must deal with, the inter-relationships between these issues, and their effects on other administrative units in the context of the legislative process.

A. Immediate Training Objectives

The first emphasis is on legislative drafting. All staff members lack experience in this area. The training will cover the techniques of legislative drafting, in terms of format, style and consistency, orientation on the nature of the matters to be legislated and instruction in legal research and writing skills. This training will be provided to all Diwan professional staff members as well as staff from the legal sections of other ministries and the Palestinian Legislative Council (PLC). The training will include using the Palestinian Law Compilation prepared by Birzeit University, and law library maintenance for selected staff members from both the West Bank and Gaza offices of the Diwan.

B. Intermediate Training Objectives

The intermediate objective of training is to raise the legal staff’s competency level in general. Again, irrespective of the positions they might ultimately hold within the Diwan, all staff members need training to strengthen their ability to draft quality laws and regulations. These intermediate training courses will serve as a general review that will place the role of legislative drafting into a broad perspective: the structure and functions of legal and administrative institutions and the relationships between them. This will include structure of the judiciary, rule of law, the role of the legislative and executive branches of governments, the constitutional and administrative functions of government, law and development, and a comparative analysis of law making institutions, particularly in the civil code and common law systems. In addition, the senior staff of the Diwan will receive training in management and mentoring skills.

C. Training of Trainers and Sustainability

The course on legislative drafting will be complemented by on-the-job training and coaching by the Short Term Technical Advisor for Technical Legal Assistance Services (STTA/L) under deliverable 3.1. Coaching is an essential part of the follow up practical training. This coaching

will allow the staff members to deepen their proficiency and develop the necessary level of competence. All training will be in Arabic. Some members of the staff have pursued advanced training and/or have had experience in teaching. Some had experience with legislative work on some higher level than the rest of the staff. These are potential candidates to be trainers in the future, and the STTA/L will work with those identified to enable them to continue the training in legislative drafting skills.

IV. REVISED TRAINING PROGRAM AND COST ESTIMATES

Each proposed training activity is presented below, by title, in the following format.

1. Description
2. Performance Objectives³
3. Participants
4. Methodology
5. Estimated Direct Cost

The estimated budget for priority training is reflected in the following table

Diwan Training Plan Cost Estimate

Topic	Trainees	Cost Estimate	Cost Per Trainee
Immediate Training Needs			
Legislative Drafting	40	\$42,000	\$1,050 00
Use of the Palestinian Law Compilation	12	\$16,500	\$1,375 00
Legal Research Techniques	12	\$8,175	\$681 25
Law Librarian Training	3	\$4,200	\$1,400 00
Intermediate Training Needs			
Management and Mentoring Skills	5	\$18,450	\$3,690 00
Legal Administration and Law in the Development Process	12	\$17,250	\$1,437 50
Training of Trainers	4	\$10,000	\$2,500

The total estimated cost of training for the GDPP is \$ 116,575

A. Legislative Drafting I

1. Description

This will be a one-week course, offered twice, for all legislative drafters and legal analysts at the Diwan, at other Ministries and the PLC. The training will be conducted in Arabic by regional legislative drafting experts. The subject matter will include legislative intent, analyzing drafting assignments, clarifying legislative specifications and organizing a bill, structuring and

³ Based on *Performance Criteria for a Fully Functioning Legislative Drafting Agency*, H. Scott Hubli, Checchi/PaL-Tech, August 1998

composing legislation, amending and repealing legislation, and language problems and conventions All training will be conducted in a workshop format and will include practical exercises and critiques of participants' exercise outputs.

2. Performance Objectives

Legislative drafting is the core activity and critical skill for any legislative drafting agency. This training will provide sufficient legal research and drafting skills (Performance Standard 1 3 2) and enable the Diwan to meet the basic standards of good legislative drafting (performance Standard 2 2 4) By including the legal staffs of other Ministries and the PLC, the Diwan's credibility with the Ministries enhanced (Performance Standard 2 1.1) and linkages will be built to the PLC (Performance Standard 3 1 4)

3. Participants

Participation will consist of the legal staff of the Diwan and other Ministries, as well as the Legal Department of the PLC It is estimated that 40 persons will attend one of the two sessions All training will be in Arabic

4. Methodology

There will be two non-residential workshops, with residential participation, at least one to be held in Gaza and perhaps one in Ramallah. The target date for beginning this training is early November, with the completion of the second session by the end of November.

5. Estimated Direct Cost

Course Design 10 days x 2 designers @ \$350/day =	\$7,000
Workshop 10 days x 2 facilitators x \$350/day =	\$7,000
Logistics 5 days x 10 participants x \$150/day =	\$7,500
10 days x 2 trainers x \$150/day	\$3,000
Travel Costs 2 persons @ \$500 =	\$1,000
Other Costs/Materials/Meeting Room Rental	\$2,500
Direct Cost Estimate	\$28,000
Institutional Multiplier @1 5	\$14,000
Total Cost Estimate	\$42,000

B. Use of the Palestinian Law Compilation

1. Description

This will be a half-day general course, offered twice, once in Gaza and once in the West Bank, for all legislative drafters and legal analysts at the Diwan Following the general course, there will be a series of seminars on for all participants. The training will be in Arabic by experts from the Birzeit University Law Center, which prepared the compilation for the Ministry of Justice under a World Bank project. The subject matter will include the use of the hard copy compilation and of the computerized referential database Since many of the participants will be computer

neophytes, Checchi/PaL-Tech anticipates three seminars spaced over a month are needed to provide maximum learning experience. The pause between seminars will allow time for the participants to experiment with the database and find questions for subsequent sessions.

2. Performance Objectives

Within the Palestinian context, the Palestinian Law Compilation is the most important single tool available for legal research, and the ability to use it is essential for all Diwan legal analysts (Performance Standard 2.2.4).

3. Participants

Participation will consist of the entire legal staff of the Diwan. It is estimated that 12 persons will attend this training.

4. Methodology

There will be two general half-day sessions, one in Gaza and one in the West Bank. These sessions will be followed by three one-day seminars. The target date for beginning this training is mid-November, with the completion of the second session by mid-December. All training will be in Arabic.

5. Estimated Direct Cost

Course Design 10 days x \$500/day =	\$5,000
General Session 2 days x 2 trainers x \$350/day =	\$1,400
Seminars 3 days x 2 trainers x \$350/day =	\$2,100
Logistics 5 days x 2 trainers x \$150/day =	\$1,500
Other Costs/Materials/Meeting Room Rental	\$1,000
Direct Cost Estimate	\$11,000
Birzeit Multiplier @ 1.5	\$5,500
Total Cost Estimate	\$16,500

C. Legal Research Techniques

1. Description

While the training described in Part IV A includes legal research as a topic, and that in Part IV B is intended to familiarize the staff of the Diwan with the Palestinian Law Compilation, this component envisages a resident legal librarian providing one-on-one coaching in legal research techniques, using the Compilation as the basic research tool over a two-week period. The emphasis will be on the strategic and problem solving aspects of legal research, how to track down research leads and knowing when to conclude the research.

2. Performance Objectives

Completion of this component should give the staff of the Diwan sufficient legal research skills.

(Performance Standard 1.3.2, promote line Ministry confidence in the Diwan (Performance Standard 2.1.1) and permit the Diwan's output to meet the basic standards for good legislative drafting (Performance Standard 2.2.4).

3. Participants

Participation will consist of the entire legal staff of the Diwan. It is estimated that 12 persons will undergo this training.

4. Methodology

The legal research librarian will spend two weeks providing one-on-one coaching on site in Gaza and the West Bank. The target date for beginning this training is mid-November, with the completion by early-December. All training will be in Arabic.

5. Estimated Direct Cost

Course Design 2 days x \$350/day =	\$700
Librarian Trainer 10 days @ \$350/day =	\$3,500
Logistics 5 days x 1 trainer x \$150/day =	\$750
Other Costs/Materials	\$500
Direct Cost Estimate	\$5,450
Birzeit Multiplier @ 1.5	\$2,725
Total Cost Estimate	\$8,175

D. Law Librarian Training

1. Description

This is specialized training for three Diwan part-time librarians, two in Gaza and one in the West Bank. None have had any training in even the basic library maintenance skills, and the requirements for a law library differ somewhat from those of a general purpose library. Moreover, the Diwan's law librarians must not only be able to create and maintain cataloguing systems, they must also be available to assist legal researchers in their work. The law libraries at the two Diwan offices are primary systems and must function effectively.

2. Performance Objectives

Training in law librarian skills will assist in creating and sustaining a legal research system in Gaza and the West Bank (Performance Standard 1.2.2).

3. Participants

The present Law Librarian from the Diwan's Gaza office, plus another member of the Gaza professional staff and the acting librarian in the West Bank office will participate. It is estimated that 12 persons will undergo this training.

4. Methodology

The same legal research librarian used in Part IV C above will spend up to one week over a span of a month providing one-on-one coaching and technical assistance on site in Gaza and the West Bank offices of the Diwan. The target date for beginning this training is mid-November, with the completion by mid-December. All training will be in Arabic.

5. Estimated Direct Cost

Course Design 1 day x \$350/day =	\$350
Librarian Trainer 5 days @ \$350/day =	\$1,750
Logistics 3 days x 1 trainers x \$150/day =	\$450
Other Costs/Materials	\$250
Direct Cost Estimate	\$2,800
Birzeit Multiplier @ 1.5	\$1,400
Total Cost Estimate	\$4,200

E. Management and Mentoring Skills

1. Description

This is specialized training for the Head of the Diwan and three or four persons whom he selects for managerial roles. The STTA/L will also attend. At present, management of the Diwan is highly centralized and there is no on-site manager of the West Bank office. Senior Diwan officials have not developed their training and mentoring skills. This training will develop management and mentoring skills at the higher echelons of the Diwan, allowing for greater delegation of authority and decentralization. This one-week training should be conducted, in part, off-site and perhaps out-of-country.

2. Performance Objectives

This training should lead to decentralization of managerial functions (Performance Standard 1.4.1). By including one member of the West Bank office, enabling that office to function somewhat independently (Performance Standard 1.4.2). With decentralization of the decision-making process, Diwan drafts should be produced on a more timely basis (Performance Standard 2.2.1). Finally, by creating a clearly defined chain of command and offering management opportunities members of the Diwan staff, this training should also enhance staff development and increase the retention rate (Performance Standard 3.2.2).

3. Participants

The Head of the Diwan, plus three to four Diwan staff members, of whom one should be drawn from the West Bank office. The STTA/L will also attend.

4. Methodology

The five-day training course will include at least three days of off-site training, to allow total

focus on the issues at hand Recognizing that it is difficult to take such a group away for long periods of time, up to two days may be done in Gaza and/or the West Bank. The training should take place in December.

5. Estimated Direct Cost

Course Design 3 days x \$350/day =	\$1,050
Trainer/facilitators 2 persons for 5 days @ \$350/day =	\$3,500
Logistics 5 days x 2 trainers x \$150/day =	\$1,500
3 days x 5 Diwan Staff x \$150/day =	\$2,250
Travel 7 persons x \$500	\$3,500
Other Costs/Materials = \$500	
Direct Cost Estimate	\$12,300
Birzeit or Other Provider Multiplier @ 1.5	\$6,150
Total Cost Estimate	\$18,450

F. Legal Administration and Law in the Development Process

1. Description

This is general training for the entire professional staff of the Diwan. The course three-day course, offered twice, will provide a survey of the kinds of information a legal drafter needs to provide perspective to the role of the Diwan within the Palestinian Authority and an understanding of how other countries and systems deal with the same duties and responsibilities. Among the topics covered will be: Structure of the Political System and Separation of Powers; Executive Power and Administration, Courts and Judicial Systems, Law-Making Institutions and Development, and Comparative Legal Systems.

2. Performance Objectives

This training should enhance the Diwan's sense of mission and its strategic vision (Performance Standards 3.1.1 and 3.1.2). This training will also provide background to enhance basic drafting skills (Performance Standard 1.3.2).

3. Participants

All Diwan staff members will attend one of the two sessions of this course.

4. Methodology

The three-day training course will be offered twice, both times in Gaza. The target date for the completing the second iteration is mid-December.

5. Estimated Direct Cost

Course Design 10 days x \$350/day =	\$3,500
Trainers/facilitators 2 persons for 6 days @ \$350/day =	\$4,200
Logistics 6 days x 2 trainers x \$150/day =	\$1,800

Other Costs/Materials/Room Rental =	\$2,000
Direct Cost Estimate	\$11,500
Birzeit or Other Institution Multiplier @ 1.5	\$5,750
Total Cost Estimate	\$17,250

G. Training of Trainers

1. Description

Training of Trainers (TOT) is the key to ensuring the sustainability of the skills developed by the Diwan and legal staffs from other Ministries. Checchi/PaL-Tech will use the STTA/L, Ms Hiba Hussein and Mr K. Scott Hubli to provide TOT throughout their respective assignments to the Diwan. In addition, the specialized training provided to the three law librarians is a form of TOT, since these three people will be able to provide assistance to legal researchers. In January 1999, Checchi/PaL-Tech will review the capabilities and progress of those persons from the Diwan selected to be trainers and, to the extent necessary, provide additional or refresher training to them in order to assure that they are qualified to serve as trainers.

2. Performance Objectives

TOT contributes to the overall goal of sustainability (Performance Standard 3.2)

3. Participants

Up to five selected members of the Diwan staff, chosen based on their superior performance in training and coaching sessions

4. Methodology

Advisors provided under deliverable 3.1 will be primarily responsible for developing the trainers' skills. These skills will be augmented as appropriate in January 1999.

5. Estimated Direct Cost

Since the primary Trainers under this component are drawn from deliverable 3.1 and from other training, there are no identifiable costs at this time. To the extent that further training is deemed necessary, this training will probably be accomplished off site, either at Birzeit University or at the home location of the provider of the Legislative Drafting Course. For calculating purposes, Checchi/PaL-Tech does not envision this follow-up training exceeding \$10,000.